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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,770	03/01/1999	STEPHEN J. HODGDON	3635-4000	5669

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

4

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature or mark

Office Action Summary

Application No.

09/259,770

Applicant(s)

HODGDON ET AL.

Examiner

JAGDISH N PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 29, 39, 69 and 76 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The aforementioned claims recite limitation that is a part of independent claims other than its own parent claim (for example claim 29 recite limitations of claim(s) 11, 17 or 22) and therefore, fails to explicitly limit parent claim 28.

Claim 38 line 20 reads "sealed" instead of "scaled".

Appropriate correction(s) is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-89 are rejected under 35 U.S.C. 101 because the claimed invention(s) is directed to non-statutory subject matter.

4. The Subject Matter recited in the claimed invention(s) relate to Business Methods for using a computer to facilitate a recommended asset allocation and withdrawal strategy.

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5. A Claimed invention meets the requirements of 35 U.S.C. § 101 if they recite a practical application of an abstract idea or, in other words, if they produce "a useful, concrete and tangible result ".

Claim 1: recites "receiving information regarding a portfolio". The information regarding the portfolio is not defined (e.g. amount allocated to a mixture of assets etc.).

[Claim 11: recites "inputting a portfolio".]

In each of the above examples, the limitation regarding portfolio is broadly interpreted as information pertaining to a (or any) portfolio which not specific to an investor whose asset allocation is being analyzed.

The claim further recites the limitation "determining a hypothetical of possible portfolio values or withdrawal amounts...by interacting...(d) said portfolio.." (claim 1).

The claimed invention(s) recites "determining a hypothetical distribution of investment outcomes on a periodic basis" (claim 11).

6. The question is: does the claimed invention produce a produce "a useful, concrete and tangible result " ? The following analysis suggests that the claimed inventions fail to produce "useful, concrete and tangible" results and thus lacking a practical application.

(a) Note that the broad interpretation of claim limitations "portfolio", "rate of return", "rate of inflation" etc. renders them to be any user desired numbers, even numbers which may be used for mere experimentation or analytical calculations (not connected to a real-world) and therefore the result thus achieved (hypothetical

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distribution of investment outcomes) is rendered not "useful, concrete and tangible and thus lacking a practical application.

(b) The results produced are hypothetical and therefore not usable for asset allocation and/or withdrawal strategy because such results may not be relied upon to (and the claim does not recite any limitation which lead to) recommend asset allocation or withdrawal strategy (a practical application). One example of a practical application in this context is asset allocation based on optimized risk assessment based on historical market and inflation data.

Note that this exemplary analysis also applies to all method claims 1-50. The applicant is required to thoroughly review all claims in light of this analysis and take appropriate corrective action.

7. Claims 50-51 calculate a fixed dollar withdrawal and fixed percent withdrawal without reciting any limitation that renders practical application of the claimed invention (i.e. solves a mathematical problem without limitation to a practical application). Claimed invention is not limited to a practical application. Viewed as a whole, the claimed invention merely calculates a calculate a fixed dollar withdrawal and a fixed percent withdrawal of the total investable assets. It merely *describes* the mathematical operations (algorithm) used in asset management process.

(please refer to link <http://www.uspto.gov/web/menu/pbmethod/> for further details on the 35 U.S.C. 101 as applicable to business related methods).

8. Claims 52-89 recite computer-specific apparatus or product. The claimed product is not a specific machine or specific article of manufacture because the specification

does not define the physical structure of the invention in terms of its hardware or hardware and "specific software". Claims are therefore analyzed in same manner as its corresponding method claims as non-statutory subject matter and 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. claims fail to recite limitation(s) to accomplish the objective set forth in the preamble.

Example: claim 1 recites in preamble "a method for determining a recommended asset allocation and withdrawal strategy".

Claim 1 only determines a *hypothetical* illustration of a distribution of *possible portfolio values or withdrawal amounts*. No limitation recites determining a recommended asset allocation and withdrawal strategy as called for by the preamble.

b. Claims are indefinite because they fail to positively point out and distinctly claim the outcome of the claimed invention.

Example: Claim 1 recites "determining a hypothetical illustration of a distribution of possible portfolio values or withdrawal amounts". The recitation of the claim in alternative renders the claims indefinite.

(suggestion: at least one of (a)... possible portfolio values and (b) withdrawal amounts)

The above exemplary analysis of claim 1 applies to all independent claims and corresponding dependent claims.

- c. Claims are indefinite because they recite one more limitations in construction of the claims which are vague and indefinite.

Example: Claim 11: inputting a portfolio. (does not specify elements of (presumably an investment) portfolio).

Example: claim 41: inputting an investment (does not specify elements (types of, allocations of, amount of etc.) pertaining to the investment).

The above exemplary analysis of claim 1 applies to all independent claims and corresponding dependent claims.

- d. scope of claims cannot be ascertained with a reasonable assumption or interpretation.

Example: claim 80: a storage device storing

A withdrawal worksheet or a portfolio worksheet or a portfolio values worksheet, and...(indefinite, does not positively ascertain the limitation); and

Interact the withdrawal worksheet or the portfolio values with the information received.....to generate a hypothetical illustration of possible values or withdrawal amounts....(indefinite because the scope of this

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limitation is unclear due alternative language used and vague because "the information" does not specify which information).

Since the scope of the claimed invention cannot be ascertained the claim cannot be further analyzed for applicability of prior art.

This analysis is also applicable to claims 88 and 89.

12. Each of claims 29, 39, 69 and 76 recite limitation, "wherein said hypothetical distribution of investment outcomes is defined by claim 11, 17 or 22". The claim is indefinite because it fails to positively and explicitly identify element(s) or limitation(s) that define the hypothetical distribution of investment outcomes.

In each of the aforementioned claims the limitation containing "hypothetical distribution of investment outcome" is based on it's own parent claim and thus a redundant step, therefore no prior art analysis of the aforementioned claims is performed under 35 U.S.C. 102 or 35 U.S.C. 103.

13. Claims 11-16, 22-49, 52-57, 62-67, 83, and 84 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

Example: in claim 11 Limitation reciting, "determining a hypothetical distribution ... on a periodic basis" is not related to "inputting" steps.

Example: in claim 28 limitation "generating a hypothetical illustration is not related to limitation "combination of fixed dollar and fixed percentage withdrawals" nor the claim recite a limitation that produces "a distribution of possible portfolio values" that is a necessary antecedent basis for generating the distribution.

The examiner has interpreted claim 28 to read:

Inputting an investment amount;

Inputting portfolio information including asset allocations of the investment amount;

Determining a distribution of possible portfolio values for a designated time period;

Generating a hypothetical illustration of the distribution of possible portfolio values for a designated time period wherein said portfolio values are scaled based on the amount of investment.

Similar assumption is also made for claims 38 and 41 for the purpose of prior art analysis.

The above discussion is exemplary only and applies to all aforementioned Claims. All dependent claims also inherit deficiencies of their respective parent claims.

[Note: Claims 30-32, 40, 42-44: these claims are not further analyzed because the limitation recited in these claims "combination of fixed dollar and fixed percentage withdrawal... " is not supported by the parent claim 28 as interpreted by the examiner in view of the 112(2) deficiency.]

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

15. Claims 11-13, 16, 27, 52-54, 59-67, 81 and 83 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Friend et al. (US 5,774,881) (hereafter Friend '881).

Claim 11. Friend discloses a method for using a computer to facilitate recommended asset allocation and withdrawal strategy (future cash flow for a given asset allocation, abstract), comprising:

Inputting a portfolio (col. 3 L 7-15 percentage of available assets to be allocated to specific asset classes...list ..stored in the computer);

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Inputting an actual rate of return for the portfolio on a periodic basis (col. 3 L 28-48, a comprehensive database of ... historical market results for stocks, bonds and cash equivalent);

Inputting an actual rate of inflation on a periodic basis (col. 3 L 28-48, a comprehensive database of ... historical consumer price indices(CPI's));

Determining a hypothetical distribution of investment outcomes on a periodic basis (col. 4 L 21-37, cash flow projection are generated on annual basis for a period of twenty years).

Claim 12. said actual rate of return and said actual rate of inflation are determined on an annual basis (col. 4 L 21-37, historical CPI and market results for stocks for stocks, bonds and cash equivalent).

Claim 13. said actual rate of return and said actual rate of inflation are determined for each year from 1950 to present (col. 4 L 21-37, both actual rate of return and actual rate of inflation are historical data).

Claim 16. wherein the portfolio is selected from different mixes of the group consisting of Domestic Large Cap, ... etc. etc. (Friend '881 col. 4 L 56-62, asset allocation).

Claim 20 has been analyzed as in claim 13.

Claim 21 has been analyzed as in claim 16.

Claims 22-24 and 27 have been analyzed as in claims 11-13 and 16 respectively.

Claims 25 and 26 have been analyzed as in claims 14 and 15 respectively.

All limitations of apparatus claims 52-54 have been analyzed as in corresponding method claims 11-13 respectively.

All limitations of apparatus claim 59 have been analyzed as in corresponding method claims 19 and 20 combined.

All limitations of apparatus claims 60 and 61 have been analyzed as in corresponding method claims 18 and 21 respectively.

All limitations of apparatus claims 62-67 have been analyzed as in corresponding method claims 22-27 respectively.

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All limitations of Claims 81 and 83 have been analyzed as in corresponding method claim 11. Note for example that the limitation "an actual rate" is covered by limitation "a rate".

Claims 50 and 51 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Albright et al. (US 6,012,043) (hereafter Albright).

Per claim 50 and 51 Albright discloses a method for determining a withdrawal strategy for a pool of assets while there is a risk of depleting an asset base while gathering income over time (retirement planning or retirement planning, abstract), the method incorporates and requires all elements of claims including investable assets, total annual income, total fixed expenses, total flexible expenses, subtracting the total annual income from total annual fixed expenses to obtain net needs (col. 4 L 37 – col. 5 L 10, refer to calculation for needed income, this text shows both the expenses and net needs which considers other income), fixed dollar withdrawal and fixed percentage withdrawal (col. 5 L 33-45, retirement planning... estimates customer's retirement income each year, broadly interpreted covers fixed dollars and fixed percentage withdrawal or any combination).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albright et al. (US Pat. 6,012,043) (hereafter Albright) and further in view of Jovin ("New Software, New Sophistication: These programs promise to improve the quality of financial advice...; Financial Planning, Aug 1998).

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19. Claim 1. Albright teaches a method for determining a recommended asset allocation and withdrawal strategy (retirement planning, Background of the Invention, col. 1+), comprising:

Receiving information regarding:

total investable assets of an individual ; total annual income; total annual fixed expenses; total annual flexible expenses (Albright, col. 4 L 1-36, input information about the customer's present financial situation);

subtracting the total annual income from the total annual fixed expenses to obtain net needs (Albright, col. 4 L 1-16, financial preferences);

calculating a fixed dollar withdrawal by calculating the net needs as a percent of the total investable assets and

calculating a fixed percent withdrawal by calculating the total annual flexible expenses as a percentage of the total investable assets (Albright, col. 10 L 33-64, refer to constraints, in particular expense level).

Receiving information regarding portfolio (Albright, col. 8 L 59-67 retirement savings personal savings and assets, real estate..);

Determining a hypothetical illustration of a distribution of possible portfolio values or withdrawal amounts for a designated time period by interacting (a) said total investable assets, (b) said fixed dollar withdrawal, (c) said fixed percent withdrawal and (d) said portfolio, with a hypothetical distribution of investment outcomes for the portfolio (Albright, col. 5 L 33-45, customer's retirement income each year in retirement);

Displaying said hypothetical illustration to said individual (Fig. 1, report \$ vs Age as an example).

Albright, while teaching the method for determining a withdrawal strategy, fails to teach that the hypothetical distribution of investment outcomes for the portfolio is based on a Monte Carlo analysis of an actual rate of return for the portfolio and an actual rate of inflation.

Jovin, in the same field of endeavor, however, teaches a method for financial calculations that determine a to determine hypothetical distribution of investment outcomes based a Monte carlo analysis of an actual rate of return for a portfolio and an actual rate of inflation (p. 1 and 2, "Monte Carlo Simulation"... almost any financial problem).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use Monte Carlo analysis of an actual rate of return for the portfolio and an actual rate of inflation because use of Monte Carlo would allow implementation of uncertainty (confidence level) in the calculation. Thus, the data selection may be appropriately changed to improve the confidence level in the analysis of the portfolio.

Claim 2. Designated time period is 30 years (X-axis 401, Fog. 4a, retirement age and year).

Claim 3. displayed in a range from a worst case scenario to a best case scenario (Fig. 4a rate of return 5%, 6% and 7%).

Claim 4. actual rate of return and the actual rate of inflation are determined on an annual basis (col. 5 L 2-10, inflation rate is annual to be 4% as an example, similarly actual rate of return shown in Fig. 4a are annual rates).

20. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albright et al. (US Pat. 6,012,043) (hereafter Albright) and Jovin as applied to claim 4 and further in view of Bengen article Determining withdrawal rates using historical data, Journal of Financial Planning, Oct 1994 (Bengen).

Claim 5. Albright and Jovin fail to disclose that the actual rate of return and the actual rate of inflation are determined for each year from year 1950 to present. However, Bengen, in the same field of endeavor, teaches a method for recommendation of asset allocation based on historical investment data, i.e. actual rate of return and the actual rate of inflation are determined for each year from year 1950 to present (or any desirable historical period). It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to have the actual rate of return and the actual rate of inflation implemented in invention of claim 4 of Albright and Jovin as historical data because use of data actual rate of return and the actual rate of inflation would provide a reliable indicator for generation of future withdrawal rates or withdrawal amounts of a portfolio based on statistical analysis with a higher reliability.

Claim 6. Random selection of order of years and corresponding actual rate of return and the actual rate of inflation is inherent due to application of Monte Carlo as analytical technique (Jovin, p.1, para 1).

Claim 7. portfolio is selected from different mixes of the group consisting of Domestic Large Cap..., (Bengen shows different mixes of investment products, in Figures 4(a)-4(c).

Claims 8-10 calculating total withdrawal, fixed dollar withdrawal and fixed percentage withdrawal adjusted based on ... (Bengen, p. 174, refer to example in middle column).

21. Claims 14-19 and 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friend '881 as applied to claim 12 above, and further in view of Friend "517.

Claims 14 and 15: Friend '881 fails to recite that the hypothetical distribution is determined by randomly selecting an order of years as recited in claim 14. Friend '517, in the same field of endeavor, however, teaches a method of optimal asset allocation (abstract), wherein a hypothetical distribution of investment outcome (future financial projection) is determined by randomly selecting an order of years and linking a corresponding actual rate of inflation and corresponding actual rate of return for the portfolio for each year (Monte Carlo controlled random inflation and "real return" selections from the past...). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the hypothetical distribution be determined by random selection of order of years as stated because random selection of rate of return and inflation data for selected years would reveal an uncertainty associated with the

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forecast and that this uncertainty may be used in conservative planning of the portfolio (i.e. asset allocation).

Claim 16, wherein the portfolio is selected from different mixes of the group consisting of Domestic Large Cap, ...etc. etc. (Friend '881 col. 4 L 56-62, asset allocation).

Claims 17: All limitations of claim 17 have been analyzed as in claims 14 including analysis of parent claims 12. and 11.

Claims 18: All limitations of claim 18 have been analyzed as in claims 15 including analysis of parent claims 14,12 and 11.

Claims 19: All limitations of claim 19 have been analyzed as in claims 12 including analysis of parent claim 11.

All limitations of apparatus claims 55-57 have been analyzed as in corresponding method claims 14-16 respectively.

All limitations of apparatus claims 58, 59 have been analyzed as in corresponding method claim 17, (including claims 19 and 20 for claim 59), including it's parent claim 11.

All limitations of apparatus claim 60 have been analyzed as in corresponding method claim 15 including it's parent claims 14, 12 and 11.

22. Claims 28, 29, 33-37, 38, 39, 41 and 45-49 and 74-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friend '881 and further in view of Albright.

Claims 28, 38 and 41. Friend ('881) teaches a method for using a computer to facilitate a recommended asset allocation and withdrawal strategy (abstract) which include the Inputting information about a portfolio as recited in claim 28 (col. 3 L 17-27 asset information include total amount and distribution of asset classes includes portfolio) and generating a hypothetical distribution of possible portfolio values for a designated time period (col. 3 L 28-37, asset cash flow projections is equivalent to hypothetical distribution of possible portfolio values, as per col. 4 L 21-37 and Fig. 2 designated time period is 20 years).

Friend ('881) while teaching generating a hypothetical distribution of possible portfolio values for a designated time period, fails to teach that the illustration of said hypothetical distribution of possible portfolio values are scaled based on the amount of the investment.

Albright, in the same field of endeavor, however, teaches a method of financial planning (abstract), wherein a hypothetical illustration of estimated distribution of possible portfolio values (savings level for an individual is scaled as shown in Figure 4a and 4b, col. 43 for discussion) according to the amount of investment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the hypothetical distribution of possible portfolio values are scaled based on the amount of the investment in a similar fashion as Albright has scaled the estimated savings level. Motivation for scaling the portfolio values according to the investment amount would enable customizing the illustration of the hypothetical distribution of possible portfolio

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values according to a specific individual's investment amount and portfolio characteristics.

Claims 30-32, 40, 42-44: these claims are not analyzed because the limitation "combination of fixed dollar and fixed percentage withdrawal..." is not included in the parent claim 28 due to 112(2) deficiency. (**for explanation see paragraph 13).

Claims 33, 34, 45, 46: adjusting the portfolio based on the distribution of hypothetical results (Friend' 881, col. 4 L 1-10, adjust the asset allocation).

Claims 35, 47: designated time period is 30 years (Friend recites designated period as 20 years as per col. 4 L 21+, however Friend does not limit the designated period).

Claims 36,37,48,49: distribution of hypothetical results are illustrated on an annual bases (per claim 36) and illustrated in a range from worst case scenario to a best case scenario per claim 37 (Friend, worst to best case scenarios shown in Fig. 2-7, distributions are shown on an annual basis).

All limitations of apparatus claims 68-73 have been analyzed as in corresponding method claim 28-31, 35 and 37 respectively.

Claim 71. hypothetical illustration for both portfolio values and withdrawal amounts (refer to claim 28 discussion of portfolio values, these amounts are also equivalent to withdrawal amounts).

Claim 74: Note that the limitations "portfolio" and "portfolio worksheet" are treated as equivalent. Similarly, the limitations "withdrawal" and "withdrawal worksheet" are

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treated as equivalent. Claim 74, therefore, is treated as equivalent to and rejected as in corresponding method claim 38.

All limitations apparatus Claims 75-76, 78-79 have been analyzed as in corresponding method claims 28-29 and 35-37 respectively.

Claim 77 refer to analysis of claim 71.

Claim 80: Note that, the limitations "portfolio" and "portfolio worksheet" are treated as equivalent. Similarly, the limitations "withdrawal" and "withdrawal worksheet" are treated as equivalent. Claim 80, therefore, is treated as equivalent to and rejected as in corresponding method claim 38.

Claim 82 has been analyzed as in corresponding method claim 17.

Claim 84 has been analyzed as in corresponding method claim 17 and dependent claim 85 has been analyzed as in apparatus claim 70.

Claim 86 has been analyzed as in corresponding method claim 28 and dependent claim 87 has been analyzed as in apparatus claim 70.

Claim 88 has been analyzed as in corresponding method claim 80 and dependent claim 89 has been analyzed as in apparatus claim 85.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holland (EP 0434877A1) discloses a computer system for portfolio management investment functions.

Baker (US-PAT-NO: 6336103) teaches a method and system for correlating an expected asset return of a portfolio to changes in future financial liabilities and also to other financial indices.

Corlett et al (US-PAT-NO: 6253192) teaches a Method of personal financial planning.

Frank et al. (US-PAT-NO: 6240399) teaches a System and method for optimizing investment location.

Golden (US-PAT-NO: 5933815) teaches a Computerized method and system for providing guaranteed lifetime income with liquidity.

McGurl et al. (US-PAT-NO: 5893080) teaches a computerized payment disbursement system and method.

Grant et al.(US-PAT-NO: 5878405) teaches a pension planning and liquidity management system.

Petruzzi (US-PAT-NO: 5806049) teaches a data processing system for global assessment of investment opportunity and cost.

Jones et al.(US-PAT-NO: 6021397) teaches a financial advisory system is provided. Return scenarios for optimized portfolio allocations are simulated interactively to facilitate financial product selection.

The following non-patent references provides discussion of portfolio planning and withdrawal rates.

Bengen, William; Determining withdrawal rates using historical data, Journal of Financial Planning, Oct 1994

"Timing Risk and the Impact of Volatility on Retirement Planning", printed from <http://www.harborgroup.com/>, copyright 1998

"Timing Risk and the Impact of Volatility on Retirement Planning", printed from <http://www.harborgroup.com/>, copyright 1998

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 2100 is (703) 746-7239 or 7238. Draft or Informal faxes for this Art Unit can be submitted to (703) 746-7240. **Draft faxes may also be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Jagdish N. Patel

(Examiner, AU 3624)

May 15, 2002